

MEMO

TO: Patricia Hunter, WA State LTC Ombuds
FROM: Amy Freeman, Attorney for WA State LTC Ombudsman Program
SUBJECT: Governor Inslee's Proclamations re Right of LTC Residents
DATE: May 29, 2020

This memo lists the restrictions, suspensions, and waivers set forth in the following Proclamations from Governor Inslee: [Proclamation 20-52.1](#) (May 11, 2020); [Proclamation 20-16](#) (March 16, 2020); [Proclamation 20-10](#) (March 13, 2020); and [Proclamation 20-06](#) (March 10, 2020).

As of the date of this memo, all restrictions, suspensions, and waivers listed below are in effect.

- May 31, 2020:** The restrictions, suspensions, and waivers cited in this memo are in effect until May 31, 2020.
Source: Proclamations 20-52.1, 20-16, 20-10, 20-06.
- Facility Types:** The restrictions, suspensions, and waivers cited in this memo apply to multiple facility types, including but not limited to nursing facilities, assisted living facilities, and adult family homes.
Source: Proclamations 20-06, 20-10, 20-16
- No Visitors / Exceptions:** Facilities are prohibited from allowing any person, including friends or family, to enter the facility to visit a resident.
Exceptions:
 - End of life situations;
 - Visits by attorneys, ALJs, advocates, or similar persons who represent a resident.
 - Vendors or volunteers who supply or work in facilities.*Source:* Proclamation 20-16
- Persons Who Enter:** All persons who enter a facility must meet the requirements and prohibitions of Proclamation 20-06, which includes screening and precautions.
Source: Proclamation 20-16
- Screening and Precautions:** No person is allowed to visit a resident unless the person is screened prior to entry, shows identification, provides contact information, and signs a log. Precautionary measures include but are not limited to: (a) wearing PPE; (b) social distancing; and (c) visiting in designated locations.
Source: Proclamation 20-06
- Alternative Visits:** Facilities are "strongly encouraged to explore, adopt and implement reasonable alternative methods to provide access for residents to mitigate the impacts of these prohibitions."
Source: Proclamation 20-06

7. **Isolation:** Residents need to be isolated in their rooms away from other people *if* facility has one or more individuals *subject to a recommendation or order of isolation or quarantine from state or local health department.*

Source: Proclamation 20-06

8. **Access:** Suspends/waives resident's right to access by:
- A. Immediate family, other relatives, and others. RCW 70.129.090(1)(f); WAC 388-97-0520(1)(g),(h) (nursing facilities); WAC 388-76-10595(6) (adult family homes).
 - B. Representative, entity, or individual that provides health, social, legal, or other services to the resident. RCW 70.129.090(2).
- ◆ Note: The right to access to/from LTC Ombuds is in a different part of the statute and regulations and is not suspended.

Source: Proclamation 20-06

9. **Quality of Life – Rights.** Suspends/waives the right:
- A. To reside and receive services with reasonable accommodation of individual needs and preferences. RCW 70.129.140(5)(a).
 - B. To interact with members of the community inside and outside facility. RCW 70.129.140(2)(b).
 - C. To organize and participate in resident groups in the facility. RCW 70.129.140(3)(a).
 - D. To participate in social, religious, and community activities. RCW 70.129.140(4).
 - E. To receive advance notice of room/roommate change. RCW 70.129.140(5)(b).
 - F. To refuse to perform services for the facility except as voluntarily agreed by the resident and the facility in the resident's service plan. RCW 70.129.140(3)(f).
 - G. Of the resident's family to meet in the facility with other families. RCW 70.129.140(3)(b).
 - H. Of resident groups and family groups to:
 - i. Have the facility provide meeting space. RCW 70.129.140(3)(c).
 - ii. Have staff or visitors only at group's invitation. RCW 70.129.140(3)(d).
 - iii. Have facility listen to the views and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the facility. RCW 70.129.140(3)(e).

Source: Proclamation 20-06

10. **Adult Family Homes:** Suspends/waives the legal obligation of adult family homes to ensure the following conditions for each resident:
- A. Privacy in each resident's bedroom, including lockable doors when chosen, with only the resident or residents who live in the room and appropriate staff having the key;
 - B. Choice of roommates;
 - C. Freedom to decorate and furnish their room within the terms of the notice of rights and service agreement;
 - D. Freedom and support to control their own schedule;
 - E. Access to food and water at any time; and
 - F. Having visitors at any time, although nothing in this section requires an adult family home to provide a visitor with food or a place to sleep.
 - G. Ensuring that modifications are made (with required elements in place) when the conditions above cannot be met; ensuring other requirements with regard to modifications. WAC 388-76-10401.

Source: Proclamation 20-10